

1 JOHN L. BURRIS, Esq./ State Bar #69888
 2 BENJAMIN NISENBAUM, Esq./State Bar #222173
 3 LAW OFFICES OF JOHN L. BURRIS
 4 Airport Corporate Centre
 5 7677 Oakport Street, Suite 1120
 6 Oakland, California 94621
 7 Telephone: (510) 839-5200 Facsimile: (510) 839-3882

8 Attorneys for Plaintiffs

9 DENNIS J. HERRERA, State Bar #139669
 10 City Attorney
 11 JOANNE HOEPER, State Bar #114961
 12 Chief Trial Attorney
 13 BLAKE P. LOEBS, State Bar #145790
 14 PETER J. KEITH, State Bar #206482
 15 Deputy City Attorneys
 16 1390 Market Street, 6th Floor
 17 San Francisco, California 94102-5408
 18 Telephone: (415) 554-3868
 19 Facsimile: (415) 554-3837

20 Attorneys for Defendants
 21 CITY AND COUNTY OF SAN FRANCISCO,
 22 HEATHER FONG, in her official capacity,
 23 JOHN KESSOR, MICHELLE ALVIS and
 24 PAUL MORGADO

25 UNITED STATES DISTRICT COURT
 26 FOR THE NORTHERN DISTRICT OF CALIFORNIA

27 KATHLEEN ESPINOSA, individually and as
 28 personal representative of the Estate of decedent
 ASA SULLIVAN; A.S., by and through his
 Guardian ad Litem, NICOLE GUERRA;

Case No. C 06 04686 JSW

**STIPULATION TO EXTEND LIMITED
 FACT DISCOVERY AND (PROPOSED)
 ORDER**

Plaintiffs,

vs.

CITY AND COUNTY OF SAN FRANCISCO,
 a municipal corporation; et al.,

Defendants.

STIPULATION

1
2 WHEREAS, the Court ordered limited re-opening of non-expert discovery in this matter at
3 the Further Case Management Conference on April 13, 2012, with limited non-expert discovery
4 closing on July 13, 2012;

5 WHEREAS Plaintiffs timely served written discovery on Defendants on April 16, 2012, via
6 facsimile and first-class mail;

7 WHEREAS, on May 14, 2012, Defendants requested and Plaintiffs' counsel agreed to allow
8 Defendants an additional month to respond to Plaintiff's discovery requests;

9 WHEREAS, in exchange for the month-long extension of time to respond to discovery,
10 Defendants agreed to stipulate to Plaintiffs' request for an extension of time to complete limited non-
11 expert discovery if such an extension was necessitated by Defendants' requested extension of time to
12 respond to discovery;

13 WHEREAS, Defendants partially responded to Plaintiff's discovery requests on June 25,
14 2012;

15 WHEREAS, Defendants June 25, 2012 responses include some substantive responses, and
16 also included redaction of and withholding of certain responsive documents on the basis of asserted
17 privileges, and a privilege log;

18 WHEREAS, the parties are now involved in a discovery dispute that is expected to require a
19 joint meet and confer letter to the Court and an Order from the Court to resolve;

20 WHEREAS, if the discovery dispute is not resolved, the parties will file their joint meet and
21 confer letter with the Court prior to the current July 13, 2012, limited non-expert discovery cutoff;

22 WHEREAS, Plaintiffs cannot complete limited fact discovery by the July 13, 2012 deadline
23 under these circumstances;

24 WHEREAS, Plaintiffs expect they will need to take certain depositions if the Court orders
25 further discovery to be produced by Defendants.

26 The parties stipulate and jointly request the Court for an Order extending fact discovery by a
27 period of one month (30 days) from the date the Court rules on the parties' discovery dispute, or the
28

1 date Defendants produce documents as may be ordered by the Court on the instant discovery dispute,
2 whichever date is later.

3 **SO STIPULATED.**

4
5 Dated: June 26, 2012

The Law Offices of John L. Burris

6
7 /s/ Benjamin Nisenbaum
8 Benjamin Nisenbaum, Esq.
9 Attorney for Plaintiffs

10
11 Dated: June 26, 2012

Dennis J. Herrera, City Attorney
Joanne Hoeppe, Chief Trial Attorney
Blake P. Loeb, Deputy City Attorney

12
13 /s/ Blake P. Loeb
14 Blake P. Loeb,
15 Attorney for Defendants

ORDER

Very good cause shown, based on the representation of counsel for the parties in their joint stipulation, the Court hereby grants the parties' stipulation and orders that the deadline to complete limited non-expert discovery is hereby extended to one month (30 days) from the date the Court rules on the parties' discovery dispute, or the date Defendants produce documents as may be ordered by the Court on the instant discovery dispute, whichever date is later.

The Court FURTHER ORDERS that the dispute referenced above and all further discovery disputes are HEREBY REFERRED to a randomly assigned Magistrate Judge. If the parties do not receive a referral within fourteen (14) days of the date of this Order, please contact this Court's Courtroom

~~PURSUANT TO STIPULATION, IT IS SO ORDERED.~~

Deputy, Jennifer Ottolini, at 415-522-4173.

IT IS SO ORDERED.

Dated: June 27, 2012



JEFFREY S. WHITE
UNITED STATES DISTRICT COURT JUDGE

cc: Magistrate Judge Referral Clerk